

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN DUKES, No. CIV S-09-2207-CMK-P

Plaintiff,

vs. ORDER

WARDEN,

Defendant.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. For cases such as this, which are based on federal question jurisdiction, the federal venue statute requires that the action be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1331(b). Here, the claim(s) arose in Monterey County, which is within the boundaries of the United States District Court for the Northern District of California. Therefore, the court finds that this action most appropriately proceeds in that district. In the interest of justice, the

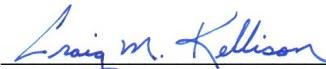
1 court will transfer this case. See 28 U.S.C. § 1406(a).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
3 United States District Court for the Northern District of California.

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6 DATED: August 19, 2009

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8 CRAIG M. KELLISON
9 UNITED STATES MAGISTRATE JUDGE

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